(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Shri Justice Dilip Raosaheb Deshmukh

Misc. Appeal (C) No. 915 of 2007

Appellant Claimant	:		Laharam Sahu Son of Shri Motiram Sahu, aged about 54 years, Occupation Buffalo Seller, Resident of Pahariya, Post Pahariya, Police Station Baloda, District Janjgir-Champa (CG)
Respondents	:	1.	Mubarak Ali Son of Majid Ali, aged about 40 years, Resident of Jhalamala, Police Station Seepat, District Bilaspur (CG) **(Driver of offending vehicle bearing Bus No. M.P.26/C-5495)** Presently residing at Mudapar Korba, Near Korba Primary School Korba, Police Station Korba, District Korba (CG)
	:	2.	Upendra Kumar Son of Shri Lakhan Lal Yadav, aged about 30 years, Resident of Mopka, Police Station Sarkanda, Tahsil and District Bilaspur (CG) **(Owner of offending vehicle bearing Bus No.M.P.26/C-5495)**
	:	3.	The New India Insurance Company Limited, Through: The Branch Manager, Rejendra Nagar Chowk, Bilaspur, Tahsil and District Bilaspur (CG) **(Insurer of offending vehicle bearing Bus No.M.P.26/C-5495)**

Memo of appeal under Section 173 of the Motor Vehicle Act, 1988

Present:
Shri Ratnesh Kumar Agarwal, counsel for the appellant/claimant.
Shri Ali Asgar, counsel appears and takes notice on behalf of respondent No.3/insurance company.

ORAL ORDER
(Passed on 10.08.2007)

(22)

The appellant is aggrieved by an award dated 07.04.2007 passed by the learned Member Additional Motor Accidents Claims Tribunal, Bilaspur in Claims Case No. 127 of 2007 whereby compensation of Rs.10,000/- was awarded to the claimant ~~in a case of injury~~.

(2) During the course of arguments, a settlement was arrived at between the parties whereunder the respondent/insurance company agreed to pay a sum of Rs.5,000/- in addition to the compensation already awarded by the M.A.C.T by depositing the same within a period of two months from today.

(3) Shri Ratnesh Kumar Agrawal, learned counsel for the appellant/claimant agrees to the settlement.

(4) In view of the settlement arrived at between the parties, the award passed by the M.A.C.T is modified and an additional sum of Rs.5,000/- over and above the sum already awarded by the M.A.C.T is awarded as compensation to the appellant/claimant. After adjusting the compensation paid, the respondent No.3/insurance company shall deposit a sum of Rs.5,000/- with the M.A.C.T. within a period of two months from today, failing which, it shall also be liable to pay interest at the rate of 8% per annum from the date of application till realization.

(5) With the aforesaid direction, the miscellaneous appeal stands disposed of.

(23)

(6) A copy of this order be sent to the M.A.C.T. forthwith. The M.A.C.T. shall on deposit of compensation ensure:

A. that the claimant/appellant is noticed about the award and to appear before the M.A.C.T. in person along with his pass book of an account in a nationalized bank,

B. that the pass book of the claimant is accompanied by the photograph and is duly verified by the bank and the same is also verified by the M.A.C.T. before issuance of cheque.

C. that a direction is issued to the concerned bank not to release the amount in favour of any person, other than the claimant unless ordered by the M.A.C.T.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya